

REMARKS

The Non-Final Office Action, mailed February 19, 2009, considered and rejected claims 1-9, 11, 12, 14, 15, 17-21 and 23-34.¹ The drawings were also objected to for failing to reflect one of the reference numerals recited in the Specification. However, this objection is now moot in view of the amendments to the Specification, which have corrected the recitation of the reference numeral. Some of the claims were also rejected or objected to for other informalities that are addressed in more detail below.

By this response, claims 1, 4, 7-8, 14, 18, 20-21, 23-24, 26-27, 29, 31 and 33-34 are amended and claims 5-6, 15, 17, 19, 25 and 32 have been cancelled, such that claims 1-4, 7-9, 11-12, 14, 18, 20-21, 23-24, 26-31 and 33-34 remain pending, of which claims 1, 24, and 29 are the independent claims at issue.

As reflected by the claims, the present invention is generally directed to embodiments in which an integrated design environment (IDE) hosts an unmanaged application within the IDE, the hosting of the application being accomplished through a hosting component, a designer framework, and a host adaptor. The hosting component interfaces with the unmanaged application. The designer framework interfaces with the IDE and the hosting component such that the unmanaged application can function as a designer within the IDE, rather than merely serving its normal purpose (e.g. a word processor) in a different setting. The host adaptor is application specific and interacts with the unmanaged application to merge menus and to modify certain native functionality of the hosted application. As can be appreciated, such an embodiment can facilitate the development of an unmanaged application hosted within a design environment. Also, such an embodiment can provide a user with an enhanced set of menus and commands gathered from both the IDE and the hosted application that the user can utilize while working within the IDE.

The foregoing embodiment is recited in independent claim format, as a system within claim 1, as a computer storage media within claim 24, and a method within claim 29.

Initially, it is noted that claim 23 was objected to because of the formality necessitating spelling out an acronym fully before usage. However, Applicant submits that in light of the

¹ Claims 1-3, 6-9, 11, 12 and 24-34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Morcos et al. (U.S. Publication No. 2002/0070977). Claims 4, 5, 14, 15, 17-21 and 23 were rejected under 35 U.S.C. § 103(s) as being unpatentable by Morcos in view of Dando (U.S. Patent No. 6,944,829).

amendment of claim 23 wherein XML has been spelled out in full as Extensible Markup Language prior to the use of the acronym XML, the objection has been addressed and should be withdrawn.

Claims 24-28 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, and for being drafted in such a way that they could be interpreted as carrier signals. However, Applicant submits these rejections are now moot in view of the amendments to claim 24 which clarify that the recited computer-readable medium is a computer-readable **storage** medium. Accordingly, the claim should be properly viewed as being directed to a physical storage media, and not a signal.

Now, with regard to the substantive rejections, it is noted that claims 1-3, 6-9, 11, 12, and 24-34 were rejected as being anticipated by Morcos et al. Further, claims 4, 5, 14, 15, 17-21, and 23 were rejected as being unpatentable over Morcos in view of Dando. Applicant submits, however, that in view of the current amendments, Morcos fails to teach or suggest each of the limitations of the independent claims, even when considered in view of Dando.

Morcos is directed to an improved method for displaying controls in command bars in a graphical user interface (GUI), replacing conventional menu bars and toolbars. Additionally, Morcos teaches a method to determine what items should be donated to the command bar during menu merging, for example, when an application embeds an object in another application as in Microsoft's Object Linking and Embedding (OLE). The method involves determining which commands are eligible to be merged, which command bars and commands are identical, which commands are equivalent, where in the command bar the commands should be placed, and which commands should be removed.

Applicant submits, however, that Morcos does not teach or suggest the aspects of the hosting adaptor as recited in the amended claims. Morcos recites the embedding of an Excel spreadsheet within a Word document as an example of when the menu merging Morcos teaches would be employed, but this does not teach or imply the characteristics of the host adaptor. Applicant submits that the host adaptor must be **application specific** to the application being integrated, and Morcos provides no such teaching, suggestion, or inference of such a requirement. Paragraphs [0013]-[0017] of Morcos were recited as teaching that the host adaptor must be application specific. Applicant respectfully disagrees. Paragraph [0013] refers to the needs being met by Morcos, and makes only a reference to merging menus when an application embeds an object in another application, providing no teaching or inference as to the application-specific nature of the host adaptor. Paragraphs [0014] and [0015] refer to command bars generally, including the structure, and provide no reference to menu

merging or multiple applications at all. Paragraph [0016] refers to creating command bars in a shared program module, but does not discuss merging menus or the interfacing between applications. Paragraph [0017] refers to customizing a command bar. Applicant respectfully submits that Morcos does not teach or imply the **application specific** nature of the claimed hosting adaptor.

Further, Morcos' menu merging disclosure does not suggest any embodiment in which an integrated application's native response to a command or menu item selection will be modified by the host adaptor, as claimed for example, in combination with the other recited claim elements. Rather, Morcos merely recites which commands will be included and their placement within a merged command bar. There is no teaching or suggestion regarding any **modification** of a native response of the integrated application. Morcos does teach the use of an integrated application's native commands and menu items, but does not teach or imply that the native application's response to some of those commands or menu items must be modified within the IDE, for example.

The other cited reference (Dando) also fails to compensate for at least the foregoing inadequacies of Morcos. In particular, Dando fails to teach or suggest the application specific aspect of the hosting adaptor or the modification of an integrated application's native response to a command or menu item.

The foregoing references also fail to teach or suggest any embodiment in which the merging of menus is based on the determination of whether focus is on the IDE or the unmanaged application and particularly not in the manner claimed, "wherein if it is determined that the integrated development environment has focus then at least one menu item of the unmanaged application will be disabled while enabling at least one menu item of the integrated development environment and wherein if it is determined that the unmanaged application has focus then the at least one integrated development environment menu item will be disabled while enabling the at least one unmanaged application menu item." For at least this reason, as well, Applicant respectfully submits that all the rejections to the independent claims are now moot and that the independent claims are now allowable over the cited art, such that any of the remaining rejections and assertions made, particularly with respect to all of the dependent claims, do not need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings

or assertions made in the last action regarding the cited art or the pending application, including any official notice, and particularly with regard to the dependent claims.²

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 9th day of July, 2009.

Respectfully submitted,



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² Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting any official notice taken. Furthermore, although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.